

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REAL PROPERTY KNOWN AS 1318
POTTER AVENUE, RICHLAND,
WASHINGTON, TOGETHER WITH
ALL APURTENANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO AND
THEREUPON,

Defendant.

4:23-CV-5008-TOR

FINAL ORDER OF
FORFEITURE

BEFORE THE COURT is the parties' Stipulated Motion for Entry of an Order of Forfeiture. ECF No. 23. Having reviewed the pleadings and record in this matter, the Court finds good cause to enter the Final Order of Forfeiture.

On January 20, 2023, the United States filed a Verified Complaint for Forfeiture *In Rem*, seeking pursuant to 21 U.S.C. § 881(a)(7) to forfeit the following property:

REAL PROPERTY

Real Property known as 1318 Potter Avenue, Richland, Washington, legally described as follows:

1 All that lot or parcel of land, together with its buildings,
2 appurtenances, improvements, fixtures, attachments and
3 easements, known as 1318 Potter Avenue, Richland,
Washington, legally described as follows:

4 LOT 10, BLOCK 316, PLAT OF RICHLAND, ACCORDING
5 TO THE PLAT THEREOF RECORDED IN VOLUMES 6
6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY,
WASHINGTON.

7 SITUATED IN THE COUNTY OF BENTON, STATE OF
8 WASHINGTON.

9 PARCEL #: 1-0398-402-0316-010

10 Hereinafter "Defendant Property."

11
12 The United States published notice of forfeiture online at www.forfeiture.gov
13 beginning February 10, 2023 and ending March 11, 2023. ECF No. 22. Based upon
14 the February 10, 2023, publication start date, the latest claim deadline was April 15,
15 2013.

16
17 The United States served PHH Mortgage Corporation and Michael David
18 Stone, and posted on the Defendant Property, as outlined in the Certificates of Service
19 filed herein on February 22, 2023, March 3, 2023, and March 14, 2023. ECF Nos. 3,
20 4, and 5.

21
22 Claims received for the real property were resolved as follows:

23
24 Although no formal claim was filed by Claimant PHH Mortgage Corporation,
25 on March 29, 2023, the United States and PHH Mortgage Corporation entered into a
26 Settlement Agreement re: Lienholder Interest wherein the United States recognized
27

1 PHH Mortgage Corporation's valid lienholder interest in the Defendant Property and
2 agreed to pay the outstanding balance owed to PHH Mortgage Corporation upon
3 disposition of the Defendant Property. ECF No. 10.

4
5 On April 10, 2023, Michael David Stone filed a timely claim. ECF No. 12. In
6 February and March 2024, Claimant Michael David Stone and the United States
7 executed a Stipulation for Entry of an Order of Forfeiture, wherein Claimant Stone
8 agreed to the entry of a final order of forfeiture upon the terms agreed to by the
9 parties. ECF No. 23.

10
11 IT APPEARING to the Court that all claims to the Defendant Property have
12 been resolved as described herein;

13
14 IT ALSO appearing that no other claims or petitions, timely or otherwise, were
15 received or filed;

16
17 **ACCORDINGLY, IT IS HEREBY ORDERED:**

18 1. The parties' Stipulated Motion for Forfeiture of Property (ECF No. 23)
19 is **GRANTED**.

20 2. All right, title, and interest in the real property described above is
21 condemned, forfeited, and vested in the United States of America pursuant to 21
22 U.S.C. § 881(a)(7) and Suppl. Rule G;

23 3. This Order constitutes a Final Order of Forfeiture pursuant to 18 U.S.C.
24 985(d). Accordingly, the United States and United States Marshals Service, and any
25 agents or officers thereof, shall seize, enter, and secure the real property located at
26 FINAL ORDER OF FORFEITURE ~ 3

1 1318 Potter Avenue, Richland, WA. Upon entry of this Order, the United States shall
2 take and retain exclusive possession, dominion, and control of the Defendant Property
3 until the property is disposed of according to law.
4

5 4. The forfeited assets shall be disposed of in accordance with law and in
6 accordance with the agreed stipulations between the United States and Claimant PHH
7 Mortgage Corporation and Claimant Stone (ECF Nos. 10 and 23).
8

9 5. The Court shall retain jurisdiction to enforce this Order, and to amend it
10 as necessary.
11

12 6. All deadlines, hearing and trial are **VACATED**.
13

14 The District Court Clerk is directed to enter this Order and Judgment, close the
file, and provide copies to counsel.
15

DATED March 18, 2024.
16



17 
18 THOMAS O. RICE
19 United States District Judge
20
21
22
23
24
25
26
27
28